

App. No. 10/084,258

Amendment Dated October 26, 2005

Reply to Office Action of July 26, 2005

REMARKS/ARGUMENTS

Claims 1-22 are pending. Claims 1, 10, 16, and 22 are independent claims. Claims 1-3, 5, 8-11, 16-17 and 21-22 were rejected by the Office Action under 35 U.S.C. 103(a) as being unpatentable over Crow et al. (US 6262724) (hereinafter "Crow") in further in view of Modeste et al. (US 5852800) (hereinafter "Modeste"). Claims 1, 2, 10, 11, 12, 13, 14, 15, 16 and 22 have been amended. No new matter has been added.

Claim Rejections – 35 U.S.C. 101

The Office Action rejected Claims 10-15 under 35 U.S.C. 101 because the claims are directed to non-statutory subject matter. In response, Applicants have amended Claims 10-15 to be computer-readable medium claims.

Claim Rejections - 35 U.S.C. 103

Claims 1-3, 5, 8-11, 16-17, and 21-22 were rejected by the Office Action under 35 U.S.C. 103(a) as being unpatentable over Crow in view of Modeste. Applicants respectfully disagree and present the following.

Claim 1, as amended, recites in part "determining when at least one of an email; a banner ad; and a page is accessed that includes access to a rich media presentation; wherein the at least one of the email; the banner add; and the page includes a small amount of code that is used to support a variety of devices that include a variety of media play back capabilities; and wherein the code does not specify a player for the rich media presentation." Among other recitations not

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shown by Crow and Modeste, alone or in combination, these references clearly do not show this limitation.

Claim 2 has been amended, and recites, in part "wherein the small amount of code is a single line of code that is a request for an include file from a server." Crow and Modeste do not teach or suggest this limitation.

Claim 16 has been similarly amended to Claim 1 and 2, and is allowable for at least the same reasons.

Claim 22, as amended, recites in part "a means for determining when a request for playing the rich media presentation comes from an affiliated site of a supported e-retailer." Crow and Modeste do not teach or suggest this limitation.

With response to Claim 10, the Office Action states that "Crow further discloses determining when a rich media presentation is contained within the email; the banner ad, and the page (column 5, lines 54-58; column 6, lines 16-20)." Crow does not disclose this limitation. The Applicants point out that Crow only discloses that "access to the Internet may facilitate transfer of information (e.g., email, text files, media files, etc.) between two or more digital processing systems." col. 5, lines 54-56. Crow is merely stating that the Internet may be used to transfer files. The Applicants submit that this is not the same as "determining when the rich media presentation is contained within the email; the banner ad, and the page."

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Conclusion

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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